

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
OCTOBER 9, 2013
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering Roll Call: Schroeder, Potts, Fischer, Kilberg, Halva, Carr, Platteter, Forrest, Grabiell, Staunton.

Absent from Roll Call: Scherer

III. APPROVAL OF MEETING AGENDA

Commissioner Platteter moved approval of the September 25, 2013 meeting agenda. Commissioner Grabiell seconded the motion. All voted aye; motion carried.

IV. COMMUNITY COMMENT

During "Community Comment," the Planning Commission will invite residents to share new issues or concerns that haven't been considered in the past 30 days by the Commission or which aren't slated for future consideration. Individuals must limit their comments to three minutes. The Chair may limit the number of speakers on the same issue in the interest of time and topic. Generally speaking, items that are elsewhere on this morning's agenda may not be addressed during Community Comment. Individuals should not expect the Chair or Commission Members to respond to their comments today. Instead, the Commission might refer the matter to staff for consideration at a future meeting.

No public comment.

V. REPORTS & RECOMMENDATIONS

A. Residential Redevelopment

Chair Staunton advised Commissioners that Cindy Larson, Edina's Residential Redevelopment Coordinator would not be available this evening, adding Planner Teague will reschedule her visit.

B. Work Plan

Chair Staunton briefed the Commission that he and Commissioner Platteter attended the City Councils Boards and Commissions Work Plan session. At this session Chairs of Edina's Boards/Commissions were invited to present a brief overview of their 2014 Work Plan.

Staunton stated he presented the 2014 Work Plan, adding the 2014 Work Plans were not officially adopted; however, a favorable outcome is expected.

Staunton also noted that the Commission Work Plan also mentions "small area plans", adding there is the potential for the City Council to issue a small area plan for the Wooddale/Valley View area. Planner Teague told the Commission that some monies are left over from the TIF District that may be available to be used for small area plans. Staunton commented he hopes monies would also be available for different topics; not only small area plans.

C. Planning Commission Bylaws – Ex Parte Communications and Voting & Recommendations

Voting & Recommendations

Chair Staunton asked the Commission to recall at the last couple meetings the Planning Commission made motions that in reality had no outcome. Staunton asked Commissioners if the Commission should consider this practice or should the Commission do its best to send to the City Council an affirmative motion.

Commissioner Platteter questioned if not recommending something is actually saying something?

Commissioner Grabel said as a deliberative body our motion should present to the Council a clear recommendation; either up or down. Grabel also stated a motion to deny was not the same as a motion to approve.

Chair Staunton asked Commissioners if they believe the Commission should continue to make motions until one is affirmed.

Commissioner Forrest questioned if a tie vote was considered OK. The consensus of the group was that a tie vote was OK. Staunton pointed out what Commissioners had difficulty with at the last meeting was that a motion was made to deny a request but the motion to deny failed. That motion could be considered confusing; especially when the following motion to approve failed without a second.

Commissioner Platteter said in his opinion the Planning Commission is advisory to the City Council and questioned if it's always necessary to deliver to them an affirmed vote.

Commissioner Grabel responded that he believes the charge of Planning Commissions is to act on matters that come before them and send to the Council an affirmed recommendation either up or

down. Commissioner Schroeder commented that he tends to agree with Commission Grabiell that the Commission needs to send to the City Council clearer recommendations.

Commissioner Fischer stated he believes part of the problem could be when a second is offered the seconder believes it signals support for the motion when it doesn't. The second just facilitates discussion and vote on the motion. Without a second the motion fails without further discussion.

Commissioner Forrest suggested that when requests are complicated; such as requiring variances on top of other things that the Commission would vote on each item separately. Forrest said there were times when she could support a subdivision; however didn't support the required variances. Commissioners agreed, voting on one item at a time in certain instances makes sense; others not so much.

Ex Parte Communications

Chair Staunton said another Bylaw concern is Ex Parte communication; especially in connection with quasi-judicial matters. Staunton said that technically Ex Parte communication is prohibited in connection with Quasi-Judicial matters. Staunton acknowledged at times the Planning Commission has suggested that certain Commissioners meet with an applicant in order to provide them with guidance. Staunton reiterated this is not allowed per Bylaws. Staunton said in his opinion this restriction needs to be further addressed.

Commissioner Platteter questioned if the Sketch Plan process eliminates the need for these type meetings with the applicant. Commissioner Schroder acknowledged that fact; however, noted past practice was for a couple Commissioners to meet with developers to provide guidance; adding at the public hearing those Commissioners acknowledged to everyone that they met with the applicant and what was discussed. Commissioner Fischer said he doesn't believe there is an issue with a couple of Commissioners meeting with an applicant outside the public hearing process if it's done openly.

A discussion ensued with Commissioners hesitating on prohibiting the "meetings" from occurring even though there is a Sketch Plan Review process.

Continuing, Commissioners indicated if they choose to continue these small group "meetings" with an applicant there needs to be established parameters. Commissioners suggested the following:

- Any time Commissioner(s) meet with an applicant outside of the public hearing or sketch plan review process it needs to be openly announced at the beginning of the meeting.
- At these "meetings" City Staff should be present
- A written list of what suggestions were made and what was talked about needs to be kept. It was further suggested that the outcome from these "meetings" could be folded into the staff report.

Commissioner Grabiell said in his opinion it isn't a good idea to conduct business outside the public hearing process. Grabiell said that Commissioners should always be open to changing their mind on a project with everything put on the table during the public hearing.

Commissioner Potts commented that some Commissioners have a certain expertise that should be shared. Commissioners agreed; however, Chair Staunton pointed out Commissioners' expertise can also be shared during the Planning Commission meeting.

The discussion continued with Commissioners acknowledging their role is to say aye or nay; however, that can be difficult and at times awkward to share opinions in a public forum. It was further acknowledged it may also be difficult to relay to the public what occurred at these small group "meetings".

Commissioner Forrest said one of her issues is with the PUD process, adding in her opinion it's supposed to be a give and take process, but it's been difficult. Forrest suggested that a Planning Commission work session be scheduled to tackle the PUD process and adopt some guidelines for applicants. Forrest stated in her opinion all fine tuning should be done at a public meeting.

Commissioner Grabel said he is a little troubled if the suggested changes to projects are based on opinions; not facts. Grabel said it's not a bad idea for the public and applicant to know what's required and expected beforehand. Grabel reiterated he's not comfortable with a small group of Commissioners meeting with the applicants prior to the Planning Commission meeting. Commissioner Carr commented that she tends to agree with that comment; however believes something could be worked out to satisfy everyone.

Commissioner Schroeder stated the final outcome in all instances should be to develop the best plan. Schroeder suggested that the Commission hold a "Work Session Sketch Plan Review" prior to Planning Commission meetings. The public can attend the workshop and listen to the suggested revisions and then proceed to the Planning Commission meeting for Sketch Plan Review. Schroeder said one thing to keep in mind is that all comments between the Commission and applicants during the Sketch Plan Review process aren't binding.

Commissioner Forrest said she likes Commissioner Schroeder's suggestion of holding a Work Session Sketch Plan Review prior to Commission meetings; she said it's best for the public if everything is out in the open. Forrest said she is comfortable that something can be done to allow for more give and take between the Commission and applicants through a public process.

Commissioner Platteter said the Commission should always remember that in all instances there are unintended consequences, adding these options should be further studied.

Commissioner Fischer said he believes a number of the evening's suggestions and ideas could be blended. Fischer stated all Commissioners have ideas and allowing a "pre-meeting" Sketch Plan Review Work Session and have the results of that session transferred to the public and camera could work.

Commissioner Carr questioned if a pre work session would be standard procedure. Commissioner Forrest stated she thinks these work sessions could be helpful if used properly; especially with PUD's.

Chair Staunton said that he no longer notices the meetings are televised; however he believes a less formal process can create different dynamics. Staunton acknowledged a summary of what occurred at the "work session" would be necessary and that could be difficult to convey in such a short time.

Commissioner Potts stated he likes the idea of a Sketch Plan Review Work Session prior to the Commission meeting.

Commissioner Carr commented that regardless of what route the Commission takes people will have different opinions and there will continue to be disagreements.

Chair Staunton said that he agrees with comments from Commissioner Forrest that standards should be developed for the PUD process. With regard to creating a "work session" option it's possible this work session could be used for any development; not limited to Sketch Plan. Staunton further pointed out there already is the sketch plan review option; including preliminary and final so there really is multiple hearings on projects. Commissioners agreed.

Commissioner Carr said in her opinion the Commission should have an additional work session(s) before a formal policy is developed on Ex Parte communication. Commissioners agreed.

Commissioner Grabel said when all is said and done the Commission needs to remember it's still the property owner/developers project and the Commission should also respect their opinion. Grabel said he agrees with Forrest that it would be beneficial to better address the PUD process. Grabel said the Commission also needs to keep in mind the constitutional issues.

Commissioner Halva asked if the Commission intends to have the "Work Sessions" televised-if that's the way the Commission proceeds. Chair Staunton responded he doesn't believe the work sessions would not be televised.

Commissioner Forrest commented that she is also uncomfortable with Ex Parte communication when approached and engaged by neighbors on specific projects. Chair Staunton agreed that is a challenge, adding what he does is encourage the neighbors to attend the meetings.

Chair Staunton thanked the Commission for the discussion.

VI. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packets materials.

VII. CHAIR AND COMMISSION MEMBER COMMENTS

Chair Staunton referred to the Commissions yearly meeting calendar and informed Commissioners that he and Planner Teague decided to cancel the regularly scheduled Planning Commission meeting for November 27th; the day before Thanksgiving. Staunton asked Commissioners if they were OK with that change. Commissioners agreed that cancelling that meeting was a good idea.

Commissioner Grabiell moved to cancel the regularly scheduled Planning Commission meeting on November 27, 2013. Commissioner Potts seconded the motion. All voted aye; motion carried.

Commissioner Carr apprised Commissioners on the latest information from the Living Streets Work Group.

VIII. STAFF COMMENTS

Planner Teague informed Commissioners that the City Council approved the subdivision request for 5 Merilane. The subdivision request for 6609 Blackfoot Pass was continued. Teague said there also is direction from the City Council to update the Subdivision Ordinance 810. Teague said that can be discussed sometime in the future.

IX. ADJOURNMENT

Commissioner Fischer moved meeting adjournment at 8:30 pm. Commissioner Grabiell seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker

Respectfully submitted